

E-filing

FILED

MAR - 4 2008

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

ADP  
EMC

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

Eugene Terrell  
439 Douglas Avenue  
Oakland, Ca. 94603

Eugene Terrell,  
  
Engineering Theoretical Technologies  
Research & Development Publications  
(ETT-R&D Publications)  
439 Douglas Avenue, Oakland, Ca. 94603,

Plaintiff,

vs.

State of California Office of the Attorney  
General Edmund G. Brown Jr.

Office of the District Attorney;  
1225 Fallon Street, Room 900,  
Oakland, CA 94612

Office of the United States Attorney,  
Attorney General Michael Mukasey;

Office of the United States Attorney,  
1301 Clay Street, Suite 340S,  
Oakland, CA 94612

Defendants

Case No.:

C08-01273

MOTION AND NOTICE FOR  
MANDATORY INJUNCTIVE RELIEF

Demand: \$3,500,000

FCRP 56, Calif.Code.Civ.Proc.  
Section 525 - 534

42 U.S.C. 1983, Sherman Act -  
15 U.S.C. § 1 (1970), US  
Constitutional 5<sup>th</sup> and 14<sup>th</sup>  
Amendment Rights

California CIVIL CODE SECTION -  
52.1. (a) and (b)

JURISDICTION; TITLE 28 PART IV  
CHAPTER 89 Section 1443 (1) (2)

VENUE; TITLE 28 PART IV CHAPTER  
87 Section 1391 (b) (1), (e) (1)

Dated this 28<sup>th</sup> day of February, 2008

Attorney - In Pro Per; Eugene Terrell

439 Douglas Avenue  
Oakland, Ca. 94603  
Ph: 510-636-9885

1 Notice is hereby given to all parties that on or before 31<sup>st</sup> of  
2 March 2008, or as soon as the Motion for MANDATORY INJUNCTIVE  
3 RELIEF can heard, {brought before the Justices of the US District  
4 Court for the Northern District of California} in which the  
5 Plaintiff seeks an Order for relief.

6  
7 Note; It is behooving to mention to all Parties and the Court,  
8 Hayward Police Station was authorized to serve as the  
9 Child exchange point, [between the Plaintiff and Mrs.  
10 Christina San Pedro] for the purpose of Court Ordered  
11 Visitation.  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INTRODUCTION

1  
2  
3 I, the Plaintiff, was continuously asking for help, in all  
4 matters concerning the false charge of Domestic Violence. In  
5 fact, I tried, in every way, not to do anything without  
6 permission, either from Hayward Police Department, or California  
7 Family Court Services. Moreover, I contacted the Office of the  
8 United States Attorney and Federal Bureau of Investigation, to  
9 report matters pertaining to Racial Discrimination. However, in  
10 all situations, it did not seem to matter, because I was either  
11 arrested or threaten with harm.

12  
13 Nevertheless, I was unemployed, living in a Hotel in Hayward,  
14 and had very little cash reserves. In fact, I had only recently  
15 lost my position, as a Help Desk Representative for a Computer  
16 Company, in San Mateo California. Nonetheless, I contacted a  
17 former employer, a Security Company in San Francisco, ask for  
18 employment, and received a job offer as an Armed Security  
19 Officer. Yet, all of my equipment was still in my apartment,  
20 where Ms. Christine San Pedro was now living. So, I requested,  
21 and received, a Civil Stand-by from Hayward Police Department.  
22 And while I informed the desk officer of my equipment needs, my  
23 weapons, vest, and all of the miscellaneous gear, and followed  
24 the police orders, parking and waiting in my vehicle near Winton  
25 Avenue, until the Police arrived. When the Police Officers did

1 arrive, I was escorted, with Ms. San Pedro's permission, into my  
2 apartment, and then, without provocation, I was Arrested in  
3 violation of a TRO.

4  
5 In other words, at the time, I had been to court at least once,  
6 and Ms. San Pedro had been given custody of our child, Yahnay  
7 Kristine Terrell, and even thought it was known, she had at  
8 least one Husband. Ms. San Pedro had requested and received a  
9 Restraining Order, claiming that she was in Fear for her Life;  
10 afraid that I was going to do harm to herself and her children.

11  
12 Needless to say, I was confused, and because I was certified  
13 under California Penal Code Section 832. I inquired of the  
14 Arresting Officer, what I had done for my Arrest to be possible,  
15 or legal, for that matter. In other words, I had asked for, and  
16 received a Civil Stand-by from Hayward Police Department. And I  
17 followed all of their instructions, which included informing the  
18 Desk Officer that I needed my weapons, vest, and security  
19 equipment for a position of employment. Now, I ask the Justices  
20 of the Court. If the Police believe Ms. San Pedro allegations,  
21 why didn't they tell me? Why didn't just tell me I could not  
22 have my Security gear, and ask that I surrender my weapons to  
23 them? Clearly, if they had done this, I would have given it to  
24 them, because I did not want any trouble. I just needed a JOB!  
25 And in truth, I would not have done anything to chance the

1 possibility of loosing my parental rights. Moreover, since I  
2 were granted a Civil Stand-By, by Hayward Police Department. I  
3 ask the Justices of the Court; how then, is it possible that I  
4 was arrested for violating a Restraining Order? This is, in  
5 other words, clear and unquestionable evidence, proof of a  
6 Criminal Conspiracy, whose purpose and intent was the violation  
7 of the Plaintiffs Civil and Constitutional Rights.

**PARTIES**

1) Plaintiff; Eugene Terrell, owner and Principle Director of Research and Development, since 1994, of Engineering Theoretical Technologies - Research and Development Publications.

2) Defendant(s);

a. United States Government

1) Federal Bureau of Investigation

2) Special Agent Jim R. Freeman

3) Office of the United States Attorney

b. State of California

c. City of Hayward

1) Hayward Police Department

2) Diana Davis (HPD Dispatcher)

3) Police Officer Edwards

4) Police Sgt. Camara

5) Police Officer Nishita



## LEGAL BACKGROUND

"The Equal Protection Clause of the 14th amendment of the U.S. Constitution prohibits states from denying any person within its Jurisdiction the equal protection of the laws.

See U.S. Const. amend. XIV.

In other words, the laws of a state must treat an individual in the same manner as others in similar conditions and circumstances. A violation would occur, for example, if a state prohibited an individual from entering into an employment contract because he or she was a member of a particular race.

The equal protection clause is not intended to provide "equality" among individuals or classes but only "equal application" of the laws. The result, therefore, of a law is not relevant so long as there is no discrimination in its application. By denying states the ability to discriminate, the equal protection clause of the Constitution is crucial to the protection of civil rights. See Civil Rights and Discrimination.

Generally, the question of whether the equal protection clause has been violated arises when a state grants a particular class of individuals the right to engage in activity yet denies other individuals the same right."

FACTUAL BACKGROUND

I am a Research Scientist, with an educational, and work related background experience, in such diverse fields as Chemistry, Computer Science, Mathematics, and Physics (Theoretical, Nuclear, High Energy, and Particle Physics). And, I am also an accomplished Researcher, having authored several written works, which includes an association with University of Chicago (Dr. William Myers, Professor of Mathematics), Kennedy King College (Professor Hicks, Professor of Mathematics), the Federal Bureau of Investigation, United States Department of Energy, and the Internet Engineering Task Force. And more importantly, my work is known, at least in many parts, if not, all over the world. However, because of the Race issues, which are still prevalent in this country, I needed to use the Security Field as my primary position for employment.

However, when I contacted the Office of the United States Attorney (Oakland Office), seeking help in these matters, I was told; "...you had better keep your mouth shut, because you have a Bulls Eye on your Chest..." Furthermore, I also contacted the Oakland and Chicago (Agent Frank King) Office of the Federal Bureau of Investigation, asking for help, and informing them of the acts of Racial Discrimination, in which I was being denied Civil and Constitutional Rights. However, the Chicago Office of



1 the F.B.I. could only advice me of the procedures for contacting  
2 the F.B.I. Office in Oakland California. But, this proved to be  
3 a waste of time, because they acted as if I had committed some  
4 Federal Crime, and later wrote a letter saying that there was no  
5 merit to the allegations of Race Discrimination.

6  
7 In any case, what should be quite clear to the Justices of the  
8 Court is that, I lost everything, as a direct result of this  
9 Illegal Arrest. Because it compounded matters in such a way,  
10 that made any hope of Recovery, without the intervention by the  
11 United States Courts, impossible. And to make matters worse,  
12 this Arrest, further exacerbated my dilemma, because it provided  
13 support Ms. San Pedro's allegations. However, the Arresting  
14 Officer's Police Incident Report, because the Arrest was  
15 acknowledged as being wrong, did not provided Judge Dawn B.  
16 Girard with the necessary reasons to issue a Court Order  
17 allowing Hayward Police Officers to Confiscate my Weapons.

18  
19 In other words, the Arresting Officer, from Hayward Police  
20 Department, acknowledged that the Arrest was wrong and illegal!  
21 And this, needless to say, is corroborated by the written  
22 information in the Arresting Police Officer's Incident Report.  
23 Hence, the Arrest was without any doubts, was in fact, ILLEGAL.

1 And more importantly, since I filed and obtained a Business  
2 Permit with the City of Hayward, there should be No questions  
3 that the Criminal Conspiracy resulting from this Illegal Arrest,  
4 has cause a serious impact, which prevents the Operation, and  
5 obtaining help with my Business; and all of the concerns  
6 pertaining thereto.

7  
8 CLEARLY, IT CANNOT BE SAID, RACIAL DISCRIMINATION, THE CAST  
9 SYSTEM OF A MONARCHY, ONLY SERVES TO PROMOTE THE BELIEFS IN A  
10 SUPERIOR RACE. That is, ANY DISCRIMINTORY PRACTICE, against  
11 anyone, the HARMFUL EFFECTS it maintains TRANSENDS WELL BEYOND  
12 RACE HATRED, BECAUSE IT PROMOTES LIES AND DECET; IT PREVENTS  
13 TEACHING THE TRUTH.

14  
15 In other words, because my Business and Research has  
16 significance to, and must be communicated to the entire World,  
17 and I was denied the Rights defined by Law, 'In Furtherance of  
18 Criminal Conspiracy', which are being enjoyed by White  
19 Americans. These Acts constitute a Violation of the  
20 Sherman Act - 15 U.S.C. § 1 (1970).

Damages - 10+ year period Loss of Employment and Income

1) California Code of Civil Procedure - SECTION 512.010-512.120

a) Injunctive Relief - \$3,500,000

- 1) (1) Honda Accent 1998 - \$10,000 plus tax
- 2) Apartment, Furniture, Computer Equipment, Tools, Jewelry, Licenses/Permits, Drivers license, and Income
- 3) Compounding Debt Interest - Outstanding Debt Losses
- 4) Damages - Hayward Police Services Denial; Refused to Report and Investigation the Accident involving my Parked Rental Automobile

b) Or the Sum, equaling the current cost, as would be the Determination for the loss of these items ≈ \$3,500,000

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court issues an Order to the Office of the United States Attorney, F.B.I., the State of California, the City of Hayward, and Hayward Police Department to:

- 1) Pay the Plaintiff the Sum of \$3,500,000.
- 2) And if, upon any finding of Fact that Discrimination is indeed the prevalent issue. The Plaintiff request that the Court Penalize the Named Defendants as prescribed by California CIVIL CODE SECTION - 52.1. (a) an-d (b), which requires each of the Defendants to pay an additional amount of \$25,000 to the Plaintiff.

1 Supplemental - Table of Authority

2  
3 U.S. Codes / Federal and California State Laws

4  
5 US Constitutional 4<sup>th</sup> and 5<sup>th</sup> Amendment Rights

6  
7 Amendment IV

8 Note: I was certified under California Penal code Section 832.  
9 Furthermore, I called the Police and ask that they escort Mrs.  
10 Christine San Pedro from my apartment, because she said; "... I'm  
leaving you in 2 months, because I have another man." So. Where  
is the Probable cause?

11 The right of the people to be secure in their persons, houses,  
12 papers, and effects, against unreasonable searches and seizures,  
13 shall not be violated, and no warrants shall issue, but upon  
14 probable cause, supported by oath or affirmation, and  
15 particularly describing the place to be searched, and the  
16 persons or things to be seized.

17  
18 Amendment V

19 Note: I have never been before the Court for the Illegal use of  
20 a Gun, or any other weapon for that matter. So. How can my work  
tools be confiscated, and maintained, without Due Process?

21 No person shall be held to answer for a capital, or otherwise  
22 infamous crime, unless on a presentment or indictment of a grand  
23 jury, except in cases arising in the land or naval forces, or in  
24 the militia, when in actual service in time of war or public  
25 danger; nor shall any person be subject for the same offense to

1 be twice put in jeopardy of life or limb; nor shall be compelled  
2 in any criminal case to be a witness against himself, nor be  
3 deprived of life, liberty, or property, without due process of  
4 law; nor shall private property be taken for public use, without  
5 just compensation.

### 7 Case Law Decisions

8 Weeks v. United States, 232 U. S. 383 (1914)

9 ELKINS V. UNITED STATES, 364 U. S. 206 (1960)

10 WOLF V. COLORADO, 338 U. S. 25 (1949)

11  
12 Specifically note, while there has been many injustices  
13 committed against the people by the Government, and given that,  
14 it is not my desire or wish, to see anyone unjustly punished.  
15 However, I am well aware, the very nature of the animal  
16 instincts for survival, in all of us, prevents anyone from ever  
17 claiming absolute innocence, or the righteous indignation liken  
18 to some Religious Sect claiming the knowledge and the beliefs in  
19 God. In other words, there does not seem to ever have been a  
20 Case of Record, in which a wrongful punishment was acknowledged,  
21 and the Government admitted that a Constitutional Violation had  
22 been made. Hence, I believe this case will probably set  
23 precedence. Even still, what should be quite clear to the  
24 Justices of the Court however, is that, the Complaint outlined  
25 by this Motion is indeed, a 14<sup>th</sup> Amendment Constitutional Right



1 Violation. In any case, the closest case of record I could find,  
2 is given below:

3  
4 U.S. Supreme Court - MAPP v. OHIO, 367 U.S. 643 (1961)  
367 U.S. 643 - MAPP v. OHIO.  
5 APPEAL FROM THE SUPREME COURT OF OHIO. - No. 236.  
6 Argued March 29, 1961. -- Decided June 19, 1961.

7  
8 There are those who say, as did Justice (then Judge) Cardozo,  
9 that under our constitutional exclusionary doctrine "[t]he  
10 criminal is to go free because the constable has blundered."  
11 People v. Defore, 242 N. Y., at 21, 150 N. E., at 587. In some  
12 cases this will undoubtedly be the result. 9 But, as was said in  
13 Elkins, "there is another consideration - the imperative of  
14 judicial integrity." 364 U.S., at 222. The criminal goes free,  
15 if he must, but it is the law that sets him free. Nothing can  
16 destroy a government more quickly than its failure to observe  
17 its own laws, or worse, its disregard of the charter of its own  
18 existence. As Mr. Justice Brandeis, dissenting, said in Olmstead  
19 v. United States, 277 U.S. 438, 485 (1928): "Our Government is  
20 the potent, the omnipresent teacher. For good or for ill, it  
21 teaches the whole people by its example. ... If the Government  
22 becomes a lawbreaker, it breeds contempt for law; it invites  
23 every man to become a law unto himself; it invites anarchy." Nor  
24 can it lightly be assumed that, as a practical matter, adoption  
25 of the exclusionary rule fetters law enforcement. Only last  
year this Court expressly considered that contention and found  
that "pragmatic evidence of a sort" to the contrary was not  
wanting. Elkins v. United States, supra, at 218.



1 The ignoble shortcut to conviction left open to the State tends  
2 to destroy the entire system of constitutional restraints on  
3 which the liberties of the people rest. 11 Having once  
4 recognized that the right to privacy embodied in the Fourth  
5 Amendment is enforceable against the States, and that the right  
6 to be secure against rude invasions of privacy by state officers  
7 is, therefore, constitutional in origin, we can no longer permit  
8 that right to remain an empty promise. Because it is enforceable  
9 in the same manner and to like effect as other basic rights  
10 secured by the Due Process Clause, we can no longer permit it to  
11 be revocable at the whim of any police officer who, in the name  
12 of law enforcement itself, chooses to suspend its enjoyment. Our  
13 decision, founded on reason and truth, gives to the individual  
14 no more than that which the Constitution guarantees him, to the  
15 police officer no less than that to which honest law enforcement  
16 is entitled, and, to the courts, that judicial integrity so  
17 necessary in the true administration of justice. The judgment of  
18 the Supreme Court of Ohio is reversed and the cause remanded for  
19 further proceedings not inconsistent with this opinion.

20 Weeks v. United States, 232 U. S. 383 (1914)

#### 21 Syllabus

22 Under the Fourth Amendment, Federal courts and officers are  
23 under such limitations and restraints in the exercise of their  
24 power and authority as to forever secure the people, their  
25 persons, houses, papers and effects against all unreasonable  
searches and seizures under the guise of law.

1 The protection of the Fourth Amendment reaches all alike,  
2 whether accused of crime or not; and the duty of giving it force  
3 and effect is obligatory on all entrusted with the enforcement  
4 of Federal laws.

5 The tendency of those executing Federal criminal laws to obtain  
6 convictions by means of unlawful seizures and enforced  
7 confessions in violation of Federal rights is not to be  
8 sanctioned by the courts which are charged with the support of  
9 constitutional rights.

10 The Federal courts cannot, as against a seasonable application  
11 for their return, in a criminal prosecution, retain for the  
12 purposes of evidence against the accused his letters and  
13 correspondence seized in his house during his absence and  
14 without his authority by a United States marshal holding no  
15 warrant for his arrest or for the search of his premises.

16 While the efforts of courts and their officials to bring the  
17 guilty to punishment are praiseworthy, they are not to be aided  
18 by sacrificing the great fundamental rights secured by the  
19 Constitution.

20 NOTE: I was never given, nor was there ever a Warrant issued,  
21 that would allow for, or provide the legal grounds  
22 Authorizing / Justifying any Search, and or, Seizure of my  
23 Property. And more importantly, there was No Crime or  
24 Criminal Trial involving the use of a Weapon, which would  
25 Justify this Criminal Act. In fact, I had an offer for a  
JOB, a position of employment as an Armed Security  
Officer, with WSB Security Services of San Francisco.

1 State of California; CIVIL CODE SECTION 43-53

2 Section 52.1

3  
4 (a) If a person or persons, whether or not acting under color  
5 of law, interferes by threats, intimidation, or coercion, or  
6 attempts to interfere by threats, intimidation, or coercion,  
7 with the exercise or enjoyment by any individual or individuals  
8 of rights secured by the Constitution or laws of the United  
9 States, or of the rights secured by the Constitution or laws of  
10 this state, the Attorney General, or any district attorney or  
11 city attorney may bring a civil action for injunctive and other  
12 appropriate equitable relief in the name of the people of the  
13 State of California, in order to protect the peaceable exercise  
14 or enjoyment of the right or rights secured. An action brought  
15 by the Attorney General, any district attorney, or any city  
16 attorney may also seek a civil penalty of twenty-five thousand  
17 dollars (\$25,000). If this civil penalty is requested, it shall  
18 be assessed individually against each person who is determined  
19 to have violated this section and the penalty shall be  
20 awarded to each individual whose rights under this section are  
21 determined to have been violated.  
22  
23  
24  
25

(b) Any individual whose exercise or enjoyment of rights secured by the Constitution or laws of the United States, or of rights secured by the Constitution or laws of this state, has been interfered with, or attempted to be interfered with, as described in subdivision (a), may institute and prosecute in his or her own name and on his or her own behalf a civil action for damages, including, but not limited to, damages under Section 52, injunctive relief, and other appropriate equitable relief to protect the peaceable exercise or enjoyment of the right or rights secured.

TITLE 15 CHAPTER 1 Section 1

Trusts, etc., in restraint of trade illegal; penalty

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal. Every person who shall make any contract or engage in any combination or conspiracy hereby declared to be illegal shall be deemed guilty of a Felony, and, on conviction thereof, shall be punished by fine not exceeding \$100,000,000 if a corporation, or, if any other person, \$1,000,000, or by imprisonment not exceeding 10 years, or by both said punishments, in the discretion of the court.

1 California Constitution

2 Article 1 - Declaration of Rights - Section 28

3  
4 The rights of victims pervade the criminal justice system,  
5 encompassing not only the right to Restitution from the  
6 wrongdoers for financial losses suffered as a result of criminal  
7 acts, but also the more basic expectation that persons who  
8 commit Felonious acts causing injury to innocent victims will be  
9 appropriately detained in custody, tried by the courts, and  
10 sufficiently punished so that the public safety is protected  
11 and encouraged as a goal of highest importance.

12  
13 Actions of Officers or Employees of a State or Territory are  
14 deemed to be Under the Color of the Law if the Alleged  
15 Deprivation of Right is Committed in fulfillment of Tasks  
16 Assigned to them. Stern v. Massachusetts Indem & Life Ins. Co.  
17 (DC Pa) 365 F Supp 433.

18  
19 Conspiracy to Violate Federal Rights; 15 Am Jur 2d Section 21.  
20 Lewis v. Brautigam (CA5 Fla) 227 F2d 124, 55 ALR2d 505.

21  
22  
23 Violation of 18 USCS 245, 42 USCS 1985(3), 42 USCS 1983, 1nd 42  
24 USCS 1981  
25



1 Demand for Relief and Injunctive Relief; Action v. Gannon (CA8  
2 MO) 450 F2d 1227.

3  
4 [To justify a Mandatory Injunction, there must be a reasonable  
5 probability of Irreparable injury... I've already lost  
6 everything!] United States v. Bigan (DC Pa) 170 F Supp 219, affd  
7 (CA3) 274 F2d 729.

8  
9 Racial Discrimination, 'Deliberate Indifference': Violation of  
10 the Eighth Amendment.

11  
12 Breach of Mandatory Duty - Roseville Community Hospital v. State  
13 (App 3 Dist 1977) 141 Cal Rptr 593, 74 Cal App 3d 583.

14  
15 Public Entity is Liable - Kisbey v. State (1984) 204 Cal Rptr  
16 428, 36 Cal 3d 415, 682 P2d 1093.

17  
18 Unlawful Violation of a Right - Keith v. Texas & P.R. Co., 14 La  
19 App 290, 129 So. 190, 194.



**Evidence Section**

REPT. TO JC JURY  
**AMERICREDIT**  
 100 W. Grove Pk.  
 Tempe, AZ 85283  
 00-411-2802 Coll  
 88-261-5679 Fax

REPT. 1

FAX NO. 6023455402

**683**

P. 02

DEALER NAME  
**HOWARD DODGE**  
 DEALER NUMBER  
**40025** DATE  
**8 15 98**  
 ACCOUNT NUMBER  
**401407267**

REPOSESSION  
 ATTEMPT  
 COVER SHEET

CUSTOMER NAME  
**PEREIRA**  
 STREET ADDRESS  
**24407 SE**  
 EMPLOYER NAME ADDRESS

CUSTOMER SS #  
**1 339-42-0872**  
 CITY  
**#7 HOWARD**

RESIDENT TELEPHONE  
**602 531-2410**  
 STATE  
**CA** ZIP  
**94545**  
 EMPLOYER TELEPHONE

CO-BUYER NAME  
**EUGENE**  
 CO-BUYER STREET ADDRESS  
**SAME**

RED TOPURIST - PASS DA SPENS  
 CO-BUYER SS #  
**1 343-44-4565**  
 CITY  
**RESS AS ABOVE**

RESIDENT TELEPHONE  
**S. J. ME #**  
 STATE  
**CA** ZIP  
**94545**

## VEHICLE:

YEAR  
**1997**  
 MAKE  
**NONE**

MODEL  
**MINNAI ACENT**  
 KEYS  
**YES** NO  
 VIN  
**KMAVD144X1U2243110**

## NOTE INFORMATION

CONTRACT DATE  
**3 22**

DATE DELINQUENT  
**04 110 52**  
 PAY AMOUNT DUE  
**638.72** DATE PAID  
**12/18/97**

## SPECIAL INSTRUCTIONS

**Please call  
 CALL FOR**

AGENT:  
**fruits before picking up vehicle! \***

AGENT  
**H244**  
 REFC #  
**P300**  
 ACCT REF  
**L**

TELEPHONE  
**602 606 734**  
 FAX  
 EXTENSION  
**37109**

VOL. INVOICED  
**X**

RESULTS  
**3 XSC**

**3 XSC**

DATE FILE RECEIVED  
 DATE RECD  
 COLLECTOR ID  
 REASON CODE  
 DAYS DELINQUENT  
 MILEAGE  
 LOCATION OF UNIT

CURR DATE  
**NO**  
 NO PAYMENTS

**EQ'd - coll 2 sent 12/5/97**  
 PAYMENTS  
**2/12/98**  
 RT MAIL  
**2:15pm 9:00am**

COLLECTION MANAGER APPROVAL  
**2/14/98**

COLLECTION DATE

COLLECTION MANAGER APPROVAL

**2-13/98**

**2:15pm 9:00am**

**682**

|   |   |
|---|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):<br><b>Christine M. San Pedro</b><br><b>24429 Soto Rd.</b><br><b>Hayward, Ca 94544</b>  | TELEPHONE NO.:<br><br>FOR COURT USE ONLY<br><br><div style="text-align: center;"> <b>ENDORSED<br/>FILED<br/>ALAMEDA COUNTY</b> </div><br><div style="text-align: center;"> <b>NOV 09 1995</b> </div><br><div style="text-align: center;"> <b>CLERK OF THE SUPERIOR COURT<br/>By Malkai Begum</b> </div> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF<br>STREET ADDRESS: <b>ALAMEDA COUNTY</b><br>MAILING ADDRESS: <b>1225 FALLON STREET</b><br>CITY AND ZIP CODE: <b>OAKLAND, CA 94612</b><br>BRANCH NAME: |   |
| PERSON TO BE PROTECTED: <b>Christine M. San Pedro</b><br>PERSON TO BE RESTRAINED: <b>Eugene Terrell</b>   |   |
| RESTRAINING ORDER AFTER HEARING (CLETS)<br>(Domestic Violence Prevention)   |   |
| CASE NUMBER:<br><div style="display: flex; justify-content: space-between;"> <span><b>758699-c</b></span> <span><b># 42</b></span> </div>   |   |

This form may be used in conjunction with the Findings and Order After Hearing form (rule 1296.31) if the court makes additional orders.

his proceeding was heard

on (date): **NOV 09 1995**

at (time): **8:30 am** in Dept.: **3** Room: \_\_\_\_\_

by judge (name): \_\_\_\_\_

☐ Temporary Judge

2. a. ☐ Petitioner/plaintiff and respondent/defendant were personally present at the court hearing. No additional proof of service of these restraining orders is required.

☒ Petitioner/plaintiff was personally present and proof of service of the Order to Show Cause was provided.

#### THE COURT FINDS

3. a. The restrained person is (name): **Eugene Terrell**

Sex: ☒ M ☐ F Ht.: \_\_\_\_\_ Wt.: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of birth: \_\_\_\_\_

b. The protected person is (name): **Christine M. San Pedro**

c. The protected family and household members are (names): **Yahmay Terrell**

#### THE COURT ORDERS

THIS ORDER, EXCEPT FOR ANY AWARD OF CHILD CUSTODY OR VISITATION, SHALL EXPIRE AT MIDNIGHT ON

(date): **11-9-98**

4. The restrained person

a. shall not contact, molest, attack, strike, threaten, sexually assault, batter, telephone, or otherwise disturb the peace of the protected person ☒ and family or household members.

b. ☒ shall stay at least **100** yards away from the protected persons and

(1) ☒ protected person's residence

(2) ☒ protected person's workplace

(3) ☒ protected person's children's school or child care

(4) ☒ other (specify): **Vehicle**

☐ except as provided in item 5b (visitation).

c. ☐ shall immediately move from (address): \_\_\_\_\_

and take only personal clothing and effects.

- Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both.
- Any person subject to a restraining order is prohibited from obtaining or purchasing or attempting to purchase a firearm by Penal Code section 12021. Such conduct may be a felony and punishable by a \$1,000 fine and imprisonment.
- Other violations of this order may also be felonies punishable by fines or imprisonment, or both.

(Continued on reverse)

|   |                 |
|---|-----------------|
| PERSON TO BE PROTECTED (Name): <u>Sam Pedro</u> | CASE NUMBER:    |
| PERSON TO BE RESTRAINED (Name): <u>Terrell</u>  | <u>758699-0</u> |

5. a. ☒ Custody of the minor children

Child's name

(1) Jahmari Terrell

(2)

(3)

(4)

(5)

(6)

Physical custody is awarded to  
(specify name of parent or "joint")  
Christine San Pedro

Legal custody is awarded to  
(specify name of parent or "joint")  
Christine San Pedro

b. Parent without physical custody (name): Eugene Terrell(1) ☒ shall not have visitation(2) ☐ shall have visitation as follows (specify times and conditions, if any):6. ☐ Fees for service of this order by law enforcement agencies are waived.

7. By the close of judicial business on the date of this order, a copy of this order shall be delivered by the protected person to the law enforcement agency having jurisdiction over the residence of the protected person, who shall provide information to assist in identifying the restrained person. Proof of service of this order on the restrained person shall also be provided to the law enforcement agency unless the order shows the restrained person was present in court. The law enforcement agency having jurisdiction over the plaintiff's residence is (name and address of agency):

Oakland Police8. ☐ A copy of this order shall be given to the additional law enforcement agencies listed below as follows:(1) ☒ Person to be protected shall deliver.(2) ☐ Person to be protected's attorney shall deliver.(3) ☐ The clerk of the court shall mail.

Law enforcement agency

Address

Hayward Police Dept.

9. Other orders (specify):

Date:

SK  
MB

JUDGE OF THE SUPERIOR COURT

This order is effective when made. It is enforceable anywhere in California by any law enforcement agency that has received the order, is shown a copy of it, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received, and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.

(SEAL)

## CLERK'S CERTIFICATE

I certify that the foregoing Restraining Order After Hearing (CLETS) is a true and correct copy of the original on file in the court.

Date:

Clerk, by

Deputy



San Pedro vs. Temell #758699-0

Court orders all weapons possessed or owned by the Defendant to be turned over to the Police Dept. The weapons which have already been confiscated by the Police to be retained in police possession until further Court order. Defendant shall not return to 24409 Soto Rd. Apt 1 in Hayward until further order. Defendant not to purchase, borrow or possess any weapon until court allows. Defendant to turn over the keys to the Apt and to the room where alleged weapons have been locked, to the Hayward Police or Alameda Sheriff's Dept, so that police can confiscate the weapons. Court orders matter con'd to 12/8/95 @ 9:30 am in Dept 3

NOV 11 1995

Dante

DAWN B. GIRARD

Judge of the Superior Ct.

☒ COMPLAINT

OR

☐ COMMENDATION

YOUR NAME: EUGENE Terrell DATE Filed: Dec 5, 1995

HOME ADDRESS: 24409 SOTO ROAD #7 (Restraining Order - vacant Apt)  
 SISTER 510-569-1435 / 510-537-2410

HOME PHONE: 510-537-2410 BUSINESS PHONE: \_\_\_\_\_

SEX: MALE AGE: 44 DATE OF BIRTH: May 9, 1951

WHERE DID THIS OCCUR? AT 24409 SOTO RD. #7, Hayward CA 94544

DATE: OCT 27, 1995 TIME: Approx 1930 hours

EMPLOYEES INVOLVED: HPD Dispatcher Ms Diana Davis, HPD Officer Nishita, HPD Officer SGT. CAMARA, HPD Officer EDWARDS, AND THE HPD OFFICE WHO DROVE THE ESCORT VEHICLE FOR THE PRISONER TRANSPORT VEHICLE ON OCT. 28, 1995 (Officer Espinoza & Sgt. Wright)

DESCRIPTION OF INCIDENT: 2 COUNT Felony violation of Penal Code 182.3, violation of Penal Code(s) 236 & 118.1, to include 149pc.  
(violated Penal Code(s) 182.2, 236, 118.1, and 136.1)

PLEASE PROVIDE THE NAMES, ADDRESSES, AND PHONE NUMBERS OF ANY PERSONS WHO MAY HAVE KNOWLEDGE OF THIS INCIDENT:

NAMES: \_\_\_\_\_

ADDRESS & PH #: \_\_\_\_\_

NAMES: \_\_\_\_\_

ADDRESS & PH #: \_\_\_\_\_

NAMES: \_\_\_\_\_

ADDRESS & PH #: \_\_\_\_\_

### STATEMENT

(START THE NARRATIVE ON THIS PAGE AND CONTINUE ON THE BACK.)

I WAS GRANTED A CIVIL STAND BY ON OCT 27, 1995 by HPD Dispatcher Ms DIANA DAVIS (AFTER TWO ATTEMPTS - BEING GRANTED ONCE & DEVIED ONCE). I FOLLOWED HER INSTRUCTIONS BECAUSE I HAD INFORMED HER, THAT I HAD THIS 'NUT' TELLING EVERYONE THAT I WAS GOING TO KILL HER - NOTWITHSTANDING, TWO UNITS ARRIVED, ABOUT 15min APART - OFFICER NISHITA WAS FIRST ON THE SCENE - WE MAINTAINED A CONVERSATION; he spoke of his job with OAKLAND HOUSING AUTHORITY POLICE, AND I DISCUSS WORKING WITH WESTERN SECURITY BUREAU AS A SECURITY OFFICER.



## PERSONNEL COMPLAINTS

All police departments in the State of California are required by law to have a process by which a citizen may make a complaint against police personnel. The information in this pamphlet will assist anyone who has occasion to make a complaint against any Hayward Police personnel. Here are some of the questions we frequently encounter regarding our complaint procedures and processes.

### What is a citizen's complaint?

There are two types of personnel complaints. The first is an informal complaint. This complaint is normally handled by the employee's supervisor for minor transgressions and is brought to the employee's attention by the supervisor.

The second type of complaint is the formal complaint. This is for more serious types of transgressions. The formal complaint is lodged with the employee's supervisor, Watch Commander, or Internal Affairs.

### Who can make a complaint?

A personnel complaint may be made by anyone. However, if the complainant is under the age of 18, we require that the complainant be accompanied by a parent or an adult.

Hayward Police Department:

ATTN: Sgt. K. Gross and

'Chief of Police'

Calhene

(3)

DATE: October 12, 1995

APPROXIMATE TIME: 15:30 pm hours

Employee involved: HPD Officer(s) Costakis #391 and a unknown MALE Officer

On the above date and time, I, Eugene Terrell, did call #911, HPD Emergency, after Mrs Christina M. San Pedro attempted to forceable take my child (Yahmay K. Terrell) away from me. I had refused temporary custody of my child to her mother, because two days before she (Mrs Christina M. San Pedro) <sup>returned</sup> to except the medication needed by my child. Furthermore, HPD Officer Costakis, #391, ~~he~~ did in fact, order me to surrender my child to Mrs. Christina M. San Pedro, even after I made her aware of my beliefs that Mrs Christina M. San Pedro has a psychological problem, and was telling everyone that I was going to kill her. HPD Officer Costakis said I was lying about my concerns regarding my child's state of health. But, Mrs Christina M. San Pedro has been cited once for leaving a two month old baby (my child) in an unattended vehicle in the parking lot of Price Club, in Hayward, and herself, has told me she has attempted suicide twice. Moreover, it is my belief, that HPD Office Costakis, #391, ~~is~~ is the root of the cause for all of my problems concerning this complaint, to include Mrs. Christina M. San Pedro filing a Restraining Order and lying on several Police reports, Depositions, and making false statements to Police to enforce it! Note: I made a (verbal) report to the HPD Chief's secretary about this incident.

SCANNED  
HAYWARD POLICE DEPARTMENT

# INCIDENT REPORT

HAYWARD, CALIFORNIA

|  |  |  |  |   |                        |                    |
|--|--|--|--|---|------------------------|--------------------|
| TYPE OF CRIME<br>0. <u>ROBBERY, AGG.</u>   |  | NAME<br>151 <u>TERRELL, EUGENE</u>   |  | PFN<br>AQT500                           | D.O.B.<br>5-9-51       | RACE<br>B          |
| FOLLOW UP REQUESTED <input type="checkbox"/>   |  | ADDRESS<br>24409 Soto Road #7  |  | WORK PHONE<br>HWD                       | HOME PHONE<br>N/P      | SEX<br>M           |
| NO. PERSONS ARRESTED<br>ADULT <input type="checkbox"/> JUVENILE <input checked="" type="checkbox"/>  |  | NAME<br>151 <u>SAN PEDRO, CRISTINA MENDOZA</u>   |  | PFN                                     | D.O.B.<br>5-23-55      | RACE<br>O          |
| INVESTIGATIVE SUMMARY<br>SUSPECT STATUS  |  | ADDRESS<br>24409 Soto Road #7  |  | WORK PHONE<br>HWD                       | HOME PHONE<br>537-2410 | SEX<br>F           |
| IN CUSTODY <input checked="" type="checkbox"/>   |  | NAME<br>151 <u>Off. NASHUA</u>   |  | PFN                                     | D.O.B.                 | RACE               |
| DESCRIBED <input type="checkbox"/>   |  | ADDRESS<br>— HPD IN FILE   |  | WORK PHONE                              | HOME PHONE             | SEX                |
| SEEN <input type="checkbox"/>  |  | NAME<br>151 <u>Sgt. CANARA</u>   |  | PFN                                     | D.O.B.                 | RACE               |
| UNKNOWN <input type="checkbox"/>   |  | ADDRESS<br>— HPD IN FILE   |  | WORK PHONE                              | HOME PHONE             | SEX                |
| SUSPECTS VEHICLE   |  | TYPE OF PROPERTY: <input checked="" type="checkbox"/> Stolen <input checked="" type="checkbox"/> Recovered <input checked="" type="checkbox"/> |  | CRIME CLASS<br>TRO                      |                        | BEAT<br>N          |
| TOWED <input type="checkbox"/>   |  | (1) Currency, Notes, Etc. \$   |  | TYPE OF PREMISES<br>APARTMENT           |                        | CENSUS             |
| DESCRIBED <input type="checkbox"/>   |  | (2) Jewelry and Precious Metals \$   |  | TOOLS-WEAPONS-MEANS USED<br>BODY        |                        |                    |
| SEEN <input type="checkbox"/>  |  | (3) Clothing and Furs \$   |  | POINT OF ENTRY<br>FLOOR DOOR            |                        |                    |
| UNKNOWN <input checked="" type="checkbox"/>  |  | (4) Locally Stolen Motor Vehicles \$   |  | DATE AND TIME REPORTED<br>10-27-95 1917 |                        |                    |
| EVIDENCE   |  | (5) Office Equipment \$  |  | DATE AND TIME OCCURRED<br>10-27-95 1950 |                        | DAY OF WEEK<br>FRI |
| FINGERPRINTS <input type="checkbox"/>  |  | (6) Televisions, Radios, Stereos, Etc. \$  |  |   |                        |                    |
| PHOTOS <input type="checkbox"/>  |  | (7) Firearms \$  |  |   |                        |                    |
| COMPOSITE <input type="checkbox"/>   |  | (8) Household Goods \$   |  |   |                        |                    |
| OTHER <input checked="" type="checkbox"/>  |  | (9) Consumable Goods \$  |  |   |                        |                    |
| STOLEN PROPERTY  |  | (10) Livestock \$  |  |   |                        |                    |
| SERIALIZED <input type="checkbox"/>  |  | (11) Miscellaneous \$  |  |   |                        |                    |
| DELETABLE <input type="checkbox"/>   |  | LOCATION OF OCCURRENCE (include nearest address)<br>24409 Soto Road #7   |  |   |                        |                    |
| NOTI <input type="checkbox"/>  |  |  |  |   |                        |                    |
| NO LOSS <input checked="" type="checkbox"/>  |  |  |  |   |                        |                    |
| VICTIMS INJURIES   |  | SUSPECT DESCRIPTION  |  | PHYSICAL EVIDENCE                       |                        | SUSPECT STATEMENT  |
| VICTIM INJURED <input type="checkbox"/>  |  | SUSPECTS STATUS  |  | CRIME SCENE                             |                        | SUSPECT RECORD     |
| NO INJURY <input checked="" type="checkbox"/>  |  | SUMMARY  |  | WITNESS ATTEMPTS                        |                        | FOLLOW UP          |
|  |  | NARRATIVE  |  | WITNESS TESTIMONY                       |                        | CASE STATUS        |
| VEHICLE USED: YR. MAKE BODY COLOR LIC.<br>— UNKNOWN —  |  |  |  |   |                        |                    |
| PARENTS OR LEGAL GUARDIAN  |  | ADDRESS  |  | HOME & WORK PHONES                      |                        | SCHOOL             |
|  |  | (w) <u>DAVIS, DIANE</u>  |  | (HPD DISPATCHER)                        |                        |                    |
|  |  | — HPD IN FILE —  |  |   |                        |                    |
| SEE ATTACHED SHEETS  |  |  |  |   |                        |                    |
| POSITION: JUV HALL <input type="checkbox"/> PROTECTIVE CUSTODY (300 W&I) <input type="checkbox"/> NTA <input type="checkbox"/> R & R <input type="checkbox"/> CRISIS RECEIVING HOME <input type="checkbox"/> |  |  |  |   |                        |                    |
| APPROVED BY <u>EDWARDS</u> 10-28-95  |  |  |  |   |                        |                    |
| BADGE 375  |  |  |  |   |                        |                    |
| DATE & TIME APPROVED 0336  |  |  |  |   |                        |                    |
| REPORT NUMBER 95-31639   |  |  |  |   |                        |                    |
| DATE & TIME 10-28-95   |  |  |  |   |                        |                    |

SCANNED

**Suspect Description:**

Black Male 44 years, 5'6, 145, black, brown.

**Suspect Status:**

In custody on non release basis for violation of a restraining order.

**Summary:**

(S)Terrell goes to 24409 Soto Road requesting a civil standby from police in violation of a lawful restraining order.

**Narrative:**

On 10/27/95 at approximately 1945 I was detailed as a cover unit to 24409 Soto Road to investigate a report of someone requesting a civil standby. Ofc. Nishita arrived onscene at 1950 and I arrived onscene at 1957. On arrival I saw Ofc. Nishita talking with Eugene Terrell in the driveway of the address directly behind apartment 7. As I approached I asked Ofc. Nishita what was going on and simultaneously recognized Terrell. I have been at Terrell's home several times for family disturbances and have dealt with him before. I am also familiar with his wife Christina San Pedro.

Terrell looked at me and said "I remember you!" I asked Terrell what was going on. Terrell told me he wanted to go into the apartment where Christina was and collect some of his clothing so he could look for a job. I asked Terrell if that was all he wanted to get. Terrell replied, "Well, don't freak out but I want to get my handguns out of there too." Terrell added that he thought his wife might have a restraining order against him but wasn't sure. I asked Terrell if he had been served with the restraining order and he replied yes, but insisted that the restraining order gave him permission to come and collect his belongings. I asked Terrell if he had a copy of the order and he said no. Ofc. Nishita went to the apartment and spoke with Christine while I was talking to Terrell. Nishita came back and told me Christine said it was ok for Terrell to come and get his clothing. Thinking that perhaps there was a clause in the restraining order to allow this to happen, I accompanied Terrell into the apartment along with Ofc. Nishita.

Once inside the apartment Christine recognized me and said "hello Officer Edwards". I asked Christine to show me her copy of the restraining order. I reviewed the copy along with the proof of service while Ofc. Nishita went into the s/w bedroom and secured three handguns that Terrell wanted to take with him. As I was reading the order Terrell said to me "Officer Edwards, I'm begging you on my hands and knees, please let me take the guns with me and some of the



SCANNED

clothes!" I thought Terrell's plaintive demeanor was very dramatic and eccentric, and I asked him why it was so important to have the guns. Terrell said he didn't know.

I reviewed the restraining order and found no mention of a time to be set aside for a visit by Terrell to the residence for any reason while the order was in effect. I pointed this out to Terrell and advised him he was under arrest for investigation of violating a restraining order. Terrell then said "you can't do that, you brought me in here!" I pointed out to Terrell that while he was technically correct, the reason we had brought him in was because he had provided us with false information regarding the order. I then placed Terrell in handcuffs and sat him in the rear of my patrol car and requested a supervisor respond to the scene.

Sgt. Camara responded and I described to him the circumstances of what had occurred. Sgt. Camara told me Terrell had been at the front counter at HPD earlier in the afternoon requesting a civil standby at the address. At that time Terrell stated he had a restraining order placed against him by his wife barring him from visiting or calling. Sgt. Camara had the situation explained to him by police clerk Jim Marcus (who was working the front counter at the time) and told Marcus to tell Terrell that the police would not assist him in defying a restraining order. Terrell then left.

Sgt. Camara instructed me to contact radio and find out what Terrell had told dispatch in order to secure a civil standby at the address. After I transported Terrell to HPD Jail I contacted Diana Davis, the HPD dispatcher that took Terrell's call asking for the civil standby. Davis told me Terrell told her over the phone that he was aware of a restraining order against him and stated there was an exclusion in it for him to go to the residence and pick up his personal belongings. Davis had no way of knowing that Terrell was lying and put the detail in for service.

Clearly Terrell had no qualms about providing the police with false information after being told no earlier when he requested a civil standby as observed by Sgt. Camara. I found Terrell's strange behavior on arrival all the more alarming when Terrell's focus turned away from collecting his clothing(as stated in the notes of the original detail) to collecting his firearms, which consisted of three handguns (.357, 9mm, .25). Based on the totality of the circumstances, and the fact the affidavit attached to the restraining order complains of Terrell's bizarre behavior and acts of violence, I felt it necessary to seize all three firearms and place them in the custody of the police department as per 12028.5pc. Additionally, the court needs to be petitioned to seek forfeiture of the weapons from Terrell in order to protect Christine. I also placed a non release on Terrell as I believe there is a strong likelihood that Terrell will continue to violate the order if released.

#### Physical Evidence:

I placed the three handguns found at the scene into evidence to be held pending a petition to the court to permanently seize them. They consisted of a loaded Sig Sauer P226 9mm semi automatic pistol, a loaded Ravens Arms .25 caliber pistol, and an unloaded Smith and Wesson

SCANNED

.357 magnum. I also attached a copy of the restraining order with this report. A copy of the order and its proof of service was on file with the police department at the time of this incident.

**Crime Scene:**

24409 Soto Road. Terrell was found by Nishita in the driveway area of this complex not more than forty feet away from the apartment.

**Witness Testimony:**

Officer Nishita can testify to the narrative of this report. Sgt. Camara can testify to being aware of an earlier request by Terrell for a civil standby and refusing the request because it would be illegal.

Christine San Pedro can testify to being contacted by police and being told her Terrell was downstairs asking to come up, and to showing the order to me (see statement taken by Nishita).

**Suspect Statement:**

During transport into the police station Terrell told me he was not interested in speaking to me regarding the incident. I did not try to question him further.

**Suspect Record:**

Terrell is known to corpus/cii for domestic violence and possession of a loaded firearm (see rap).

**Case Status:**

Cleared by arrest.

SCANNED

.357 magnum. I also attached a copy of the restraining order with this report. A copy of the order and its proof of service was on file with the police department at the time of this incident.

**Crime Scene:**

24409 Soto Road. Terrell was found by Nishita in the driveway area of this complex not more than forty feet away from the apartment.

**Witness Testimony:**

Officer Nishita can testify to the narrative of this report. Sgt. Camara can testify to being aware of an earlier request by Terrell for a civil standby and refusing the request because it would be illegal.

Christine San Pedro can testify to being contacted by police and being told her Terrell was downstairs asking to come up, and to showing the order to me (see statement taken by Nishita).

**Suspect Statement:**

During transport into the police station Terrell told me he was not interested in speaking to me regarding the incident. I did not try to question him further.

**Suspect Record:**

Terrell is known to corpus/cii for domestic violence and possession of a loaded firearm (see rap).

**Case Status:**

Cleared by arrest.



**PROPERTY / EVIDENCE TAG****REPORT NUMBER:**

| ITEM | DESCRIPTION OF PROPERTY - LIST ALL ITEMS SEPARATELY AND COMPLETELY (MAKE, MODEL, SERIAL NO., COLOR, CALIBER, ETC.) |
|------|--|
| 1    | SMITH & WESSON 6" 386 REVOLVER<br>357 SERIAL # BHC6413<br>BLACK FINISH W/ WOOD HANDLE<br>*PACKED IN ORIGINAL BOX*  |
| 2    | SIG SAUER MODEL # P226 SERIAL<br># U437506 BLACK FINISH 9MM<br>SEMI AUTO   |
| 3    | RAVEN ARMS .25 CAL MODEL MP-25<br>SEMI AUTO  |
| 4    | 15 ROUNDS 9MM CARTRIDGES; 5 ROUNDS<br>.25 CAL. CARTRIDGES.   |
| 5    | ONE SIG SAUER P226 CLIP; ONE<br>RAVEN ARMS MP-25 CLIP.   |

\*\*\*\*\*PROPERTY ROOM USE ONLY\*\*\*\*\*

lets 10-28 ma

|                           |                     |                                  |
|---------------------------|---------------------|----------------------------------|
| OFFICER<br><i>Edwards</i> | BADGE<br><i>325</i> |                                  |
| TECH. OFFICER             | BADGE               | REPORT NUMBER<br><i>95-31639</i> |

SCANNED

clothes!" I thought Terrell's plaintive demeanor was very dramatic and eccentric, and I asked him why it was so important to have the guns. Terrell said he didn't know.

I reviewed the restraining order and found no mention of a time to be set aside for a visit by Terrell to the residence for any reason while the order was in effect. I pointed this out to Terrell and advised him he was under arrest for investigation of violating a restraining order. Terrell then said "you can't do that, you brought me in here!" I pointed out to Terrell that while he was technically correct, the reason we had brought him in was because he had provided us with false information regarding the order. I then placed Terrell in handcuffs and sat him in the rear of my patrol car and requested a supervisor respond to the scene.

Sgt. Camara responded and I described to him the circumstances of what had occurred. Sgt. Camara told me Terrell had been at the front counter at HPD earlier in the afternoon requesting a civil standby at the address. At that time Terrell stated he had a restraining order placed against him by his wife barring him from visiting or calling. Sgt. Camara had the situation explained to him by police clerk Jim Marcus (who was working the front counter at the time) and told Marcus to tell Terrell that the police would not assist him in defying a restraining order. Terrell then left.

Sgt. Camara instructed me to contact radio and find out what Terrell had told dispatch in order to secure a civil standby at the address. After I transported Terrell to HPD Jail I contacted Diana Davis, the HPD dispatcher that took Terrell's call asking for the civil standby. Davis told me Terrell told her over the phone that he was aware of a restraining order against him and stated there was an exclusion in it for him to go to the residence and pick up his personal belongings. Davis had no way of knowing that Terrell was lying and put the detail in for service.

Clearly Terrell had no qualms about providing the police with false information after being told no earlier when he requested a civil standby as observed by Sgt. Camara. I found Terrell's strange behavior on arrival all the more alarming when Terrell's focus turned away from collecting his clothing (as stated in the notes of the original detail) to collecting his firearms, which consisted of three handguns (.357, 9mm, .25). Based on the totality of the circumstances, and the fact the affidavit attached to the restraining order complains of Terrell's bizarre behavior and acts of violence, I felt it necessary to seize all three firearms and place them in the custody of the police department as per 12028.5pc. Additionally, the court needs to be petitioned to seek forfeiture of the weapons from Terrell in order to protect Christine. I also placed a non release on Terrell as I believe there is a strong likelihood that Terrell will continue to violate the order if released.

#### Physical Evidence:

I placed the three handguns found at the scene into evidence to be held pending a petition to the court to permanently seize them. They consisted of a loaded Sig Sauer P226 9mm semi automatic pistol, a loaded Ravens Arms .25 caliber pistol, and an unloaded Smith and Wesson

SCANNED

.357 magnum. I also attached a copy of the restraining order with this report. A copy of the order and its proof of service was on file with the police department at the time of this incident.

**Crime Scene:**

24409 Soto Road. Terrell was found by Nishita in the driveway area of this complex not more than forty feet away from the apartment.

**Witness Testimony:**

Officer Nishita can testify to the narrative of this report. Sgt. Camara can testify to being aware of an earlier request by Terrell for a civil standby and refusing the request because it would be illegal.

Christine San Pedro can testify to being contacted by police and being told her Terrell was downstairs asking to come up, and to showing the order to me (see statement taken by Nishita).

**Suspect Statement:**

During transport into the police station Terrell told me he was not interested in speaking to me regarding the incident. I did not try to question him further.

[REDACTED]

[REDACTED]

**Case Status:**

Cleared by arrest.



**How can a personnel complaint be made?**

A complaint may be made by telephone, by mail, or in person. The complaint may be made at the police department, or another mutually convenient location. The department is primarily interested in learning of your concerns about police misconduct or a need for improvement in our delivery of services.

**When can a complaint be made?**

A complaint may be made 24 hours a day. During normal business hours the complaint may be submitted to the Internal Affairs Unit at Hayward Police Department by calling 293-7059. After normal business hours, a personnel complaint may be registered with any supervisor or the on-duty Watch Commander, or by calling 293-7051.

**What happens after I file a complaint?**

The complaint is received and documented. The formal complaint will be investigated by a supervisor and reviewed by the Chief of Police and his staff. The Chief or Division Commander will make the final determination on all formal complaints. The complainant will be notified in writing concerning the disposition of the complaint.

NOTE: I HAVE NOW LOST APPROXIMATELY \$3,000 IN WEAPONS, DUE TO ILLEGAL PROCEDURES EMPLOYED BY HAYWARD POLICE OFFICERS.

WE BOTH WORKED THE ACONN HOUSING COMPLEX IN OAKLAND -  
 NEVERTHELESS, I TOLD HIM I NEEDED MY SIG SAUER 9mm, BULLET RESISTANCE  
 VEST, WEB GEAR, AND CLOTHING FOR JOB INTERVIEW. HE SAID: I HAVE TO CALL  
 FOR BACK-UP IF YOU ARE PICKING UP A GUN - I SAID: "I UNDERSTAND." I ALSO  
 TOLD HIM ABOUT TWO OTHER GUNS - HE ASK: "WHY NOT GET ALL 3?" I  
 SAID: "I ONLY NEED ONE FOR THE JOB." NEVERTHELESS, OFFICER EDWARDS  
 STAYED ON SITE, AND DETAINED ME UNTIL OFFICER NISHITA RETURNED  
 FROM MY APARTMENT WITH PERMISSION (FOR ME TO GET MY ITEMS) AND  
 A COPY OF MY RESTRAINING ORDER - AS INSTRUCTED BY OFFICER EDWARDS -  
 OFFICER EDWARDS, PRIOR TO THE RETURN OF OFFICER NISHITA, HAD INFORMED  
 ME THAT I WAS IN VIOLATION OF MY RESTRAINING ORDER - AND AFTER A VERY  
 BRIEF DISCUSSION WITH OFFICER NISHITA, I WAS ESCORTED INTO MY APARTMENT -  
 OFFICER EDWARDS ANNOUNCED OVER THE RADIO '5151' - THEN TOLD ME I WAS  
 UNDER ARREST FOR VIOLATING MY RESTRAINING ORDER - NOW ON OCT 28, 95  
 ANOTHER NYD OFFICER WHO DROVE ESCORT VEHICLE, SQUEEZE MY LEFT TESTICLE

SIGNED BY: \_\_\_\_\_

REPORT RECEIVED BY: \_\_\_\_\_

DATE/TIME: \_\_\_\_\_

2) SEE ACCOMPANYING CRIMINAL REPORTS



**CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

43199

THIS NOTICE CERTIFIES THAT YOU HAVE SUCCESSFULLY COMPLETED THE FOLLOWING COURSE PURSUANT TO SECTION 832(a), PENAL CODE:

COURSE: POWERS OF ARREST  
 NOTICE NUMBER: A0035363  
 COURSE LENGTH: 40 HOURS  
 COMPLETION DATE: March 12, 1993  
 SSN: 343-44-4565  
 PRESENTER: OHLONE COMMUNITY COLLEGE

TERRELL, EUGENE  
 22650 MAIN STREET  
 HAYWARD, CA 94541-5112

EMPLOYER: YOU MAY PHOTOCOPY THIS NOTICE FOR YOUR RECORDS ONLY  
 ★ ★ ★ THIS ORIGINAL NOTICE IS THE PROPERTY OF THE ADDRESSEE ★ ★ ★

>>>> SEE REVERSE <<<<

NOTICE TO EMPLOYERS:  
 APPLICANT MUST PRESENT THE ORIGINAL  
 DO NOT ACCEPT PHOTOCOPY OF THIS DOCUMENT



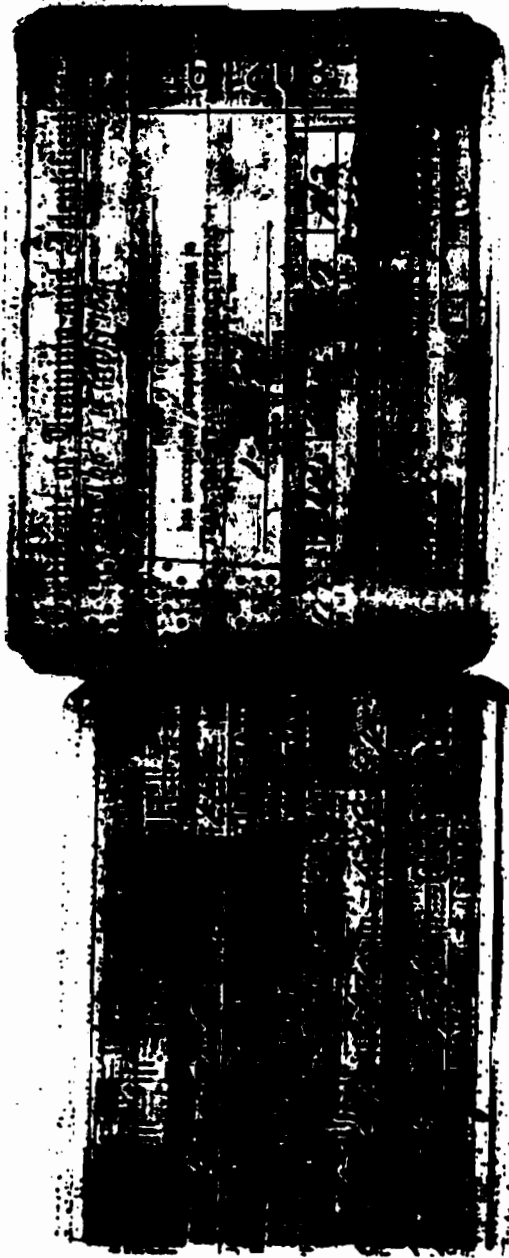
Bureau of Security and Investigative Services  
 400 R STREET, SUITE 2001  
 SACRAMENTO, CA 95814  
 (916) 445-7366



PERMIT FOR EXPOSED FIREARM  
 QUALIFIED TO CARRY .38 .357 S&W

47546 VJ DVMAYH  
 2700 ROAD 0105 60472  
 EUGENE TERRELL  
 GUARD REGISTRATION CARD

RECEIPT NO. 000108832  
 Signature: Eugene Terrell  
 28 JUL 93 0444



STATE OF CALIFORNIA  
 DEPARTMENT OF  
**Consumer Affairs**  
 Bureau of Correction and Investigative Services  
 400 R STREET, SUITE 2001  
 SACRAMENTO, CA 95814-6234  
 (916) 445-7366

**GUARD REGISTRATION**  
 REGISTRATION G 514065  
**EUGENE TERRELL**  
 24405 SOTO RD #7  
 HAYWARD, CA 94544

ADDITIONAL PERMIT REQUIRED TO CARRY FIREARM  
 EXPIRATION 03/22/98

Signature: Eugene Terrell  
 RECEIPT NO. 000108832



STATE OF CALIFORNIA

TORT CLAIM

BC-1A (Rev. 4/91)

SUBMIT TO: STATE BOARD OF CONTROL  
GOVERNMENT CLAIMS DIVISION  
P. O. BOX 3035  
SACRAMENTO, CA 95812-3035

BOARD OF CONTROL

THIS SPACE IS FOR STATE  
BOARD OF CONTROL USE ONLY

BEFORE COMPLETING THIS FORM, PLEASE READ THE INSTRUCTIONS ON THE BACK OF THE LAST (BLUE) COPY OF THIS FORM. YOU MAY KEEP THIS LAST COPY FOR YOUR RECORDS. SUBMIT THE TOP THREE COPIES TO THE BOARD OF CONTROL. YOU MUST COMPLETE EACH SECTION OF THIS FORM OR YOUR CLAIM MAY BE RETURNED TO YOU AS INCOMPLETE.

1. NAME AND MAILING ADDRESS OF CLAIMANT(S):

Name(s) EUGENE J. JONES

2. SPECIFY TOTAL DOLLAR AMOUNT OF CLAIM AS A DIRECT RESULT OF THE INCIDENT:

\$ 250,000.00

IF THE AMOUNT IS UNSPECIFIED AT THIS TIME, BUT EXCEEDS \$10,000, CHECK THE APPROPRIATE COURT JURISDICTION:

☐ MUNICIPAL COURT☒ FEDERAL SUPERIOR COURT

Mailing Address

City Hayward State CA Zip 94544

3. WHEN DID THE DAMAGE OR INJURY OCCUR?

Month Oct/July Year 1996 Time

4. WHERE DID THE DAMAGE OR INJURY OCCUR? (PLEASE INCLUDE CITY, COUNTY, AND STREET ADDRESS, INTERSECTION, ROAD NUMBERS OR MILE MARKER.)

Oakland AND Hayward - My apartment (address not known), Santa Rita Jail,

IF YOU ARE FILING THIS CLAIM BEYOND SIX MONTHS FROM THE INCIDENT DATE, PLEASE SEE INSTRUCTIONS FOR FILING LATE CLAIM APPLICATION ON THE REVERSE OF THE LAST COPY.

5. PLEASE EXPLAIN THE FACTS THAT LED TO THE ALLEGED DAMAGE OR INJURY. STATE ALL FACTS WHICH SUPPORT YOUR CLAIM AGAINST THE STATE OF CALIFORNIA, AND WHY YOU BELIEVE THE STATE IS RESPONSIBLE FOR THE ALLEGED DAMAGE OR INJURY. IF KNOWN, IDENTIFY THE STATE AGENCY(IES) AND/OR STATE EMPLOYEE(S) THAT ALLEGEDLY CAUSED THE DAMAGE OR INJURY.

I had a girlfriend, escorted from my apartment on October 6, 1995. She returned on several occasions and assaulted me - I called the emergency number, 911. I filed on Oct. 20, 95 for custody of my child and served Mrs. Christina San Pedro on October 23, 95. However, Mrs. San Pedro was granted a Domestic Violence Restraining Order - and I have since been arrested 3 times, for not violating the law, assaulted. Police denied the request to file a Criminal Complaint, and all rights of being a parent. And I have been denied my Constitutional and Civil Rights.

6. WHAT SPECIFIC DAMAGE OR INJURY DID YOUR CLAIM RESULT FROM THE ALLEGED ACTIONS? The Police have made death threats to my life; Malicious Prosecution, Loss of Job, Loss of Income, Loss of Imprisonment, Loss of Armed Permit, Loss of Business License

7. HOW WAS THE AMOUNT OF CLAIM COMPUTED? (IF YOU HAVE SUPPORTING DOCUMENTATION FOR THE AMOUNT CLAIMED, PLEASE ATTACH THREE COPIES TO THIS FORM.)

See Federal Law: "Damages"

8. SEND OFFICIAL NOTICE OF CLAIM BY CORRESPONDENCE TO:

Name EUGENE J. JONES

Mailing Address

24405 Soto Road #7City HaywardState CAZip 94544

9. SIGNATURE AND TELEPHONE NUMBER(S) OF CLAIMANT OR ATTORNEY/REPRESENTATIVE (PLEASE SEE NOTICE BELOW)

Signature

Date

31 July 96

Daytime Telephone Number(s) (Please include Area Code)

Claimant (907) 537-2910 Attorney/Representative (510) 537-2410

10. IF THE BOARD INVITES YOU TO APPEAR ON YOUR CLAIM AT A FUTURE BOARD HEARING, PLEASE DESIGNATE THE HEARING LOCATION YOU WOULD PREFER (CHECK ONE)

☐ SACRAMENTO☐ LOS ANGELES☒ SAN FRANCISCO☐ SAN DIEGO (October only)

NOTICE

SECTION 72 OF THE PENAL CODE PROVIDES:

THIS CLAIMANT OR FOR PAYMENT TO ANY STATE BOARD OR OFFICER OR



SUPERIOR COURT  
STATE OF CALIFORNIA  
COUNTY OF ALAMEDA

CHAMBERS OF THE PRESIDING JUDGE  
RONALD M. SABRAW

COURT HOUSE  
1225 FALLON STREET  
OAKLAND, CALIFORNIA 94612  
(510) 272-6040

March 5, 1996

Mr. Eugene Terrell  
24409 Soto Road, #7  
Hayward, CA 94544

Dear Mr. Terrell:

I am writing in response to your letters of February 26, 1996, February 29, 1996 and March 1, 1996. With regard to your concerns about Judge Girard, as previously indicated in the letter from Mr. Michael Bergeisen of the Judicial Council of California, concerns about the performance of Judge Girard should be directed to the Commission on Judicial Performance. From Mr. Bergeisen's letter of January 29th, it appears that he has already forwarded a previous letter of yours to the Commission. However, should you wish further information to be submitted to the Commission on Judicial Performance, you may direct your correspondence to Ms. Victoria Henley, Executive Director, Commission on Judicial Performance, 101 Howard Street, Suite 300, San Francisco, CA 94105.

With regard to your concerns about the employees of Family Court Services, I have spoken with Dr. Larry Lehner who is the Director of Family Court Services. He informed me that he has reviewed your concerns and discussed those matters with you personally. I could find nothing in your materials that would support any disciplinary action by the Court against the employees of Family Court Services.

Regarding your most recent letter of February 29, 1996, you indicate that you are going to be filing a Motion for a peremptory challenge of Judge Girard. To the extent that you wish to do so, you must file such a challenge in your existing court case and it should be filed in Judge Girard's department.

I am sorry that I cannot be of any further assistance to you regarding your concerns.

Yours truly,

A handwritten signature in black ink, appearing to read "Ronald M. Sabraw". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ronald M. Sabraw, Presiding Judge

RMS:mk



**RMS**

RISK MANAGEMENT SERVICES

August 21, 1997

In reply, refer to Claim No. 97-485

Eugene Terrell  
24409 Soto Rd., #7  
Hayward, CA 94644

**RE: Claim of Eugene Terrell v. County of Alameda (Claim No: 97-485)**

Dear Mr. Terrell:

NOTICE IS HEREBY GIVEN the letter you sent to the Alameda County Sheriff's Department on August 6, 1997 is being treated as a claim. As such the claim was forwarded to the Clerk, Board of Supervisors on August 15, 1997. The claim fails to substantially comply with the requirements of the California Government Code (CGC). See Sections 910, 910.2, and 901 of the Government Code. Your claim will not be accepted for filing or consideration for the reasons checked below.

- ☐ The claim fails to state the name and post office address of the claimant. (see CGC 910(a))
- ☐ The claim fails to state the post office address to which the person presenting the claim desires notices to be sent. (see CGC 910(b))
- ☒ The claim fails to state the date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted. (see CGC 910(c))
- ☒ The claim fails to state a general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim. (see CGC 910(d))
- ☒ The claim fails to state the name or names of the public employee or employees causing the injury, damage, or loss, if known. (see CGC 910(e))
- ☒ The claim fails to state the amount or the basis of computation of the amount claimed as of the date of the presentation of the claim. (see CGC 910(f))
- ☒ The claim was not signed by the claimant or by some person on behalf of the claimant. (see CGC 910.2)

**WARNING**

Your claim may be amended at any time before the expiration of the period designated in Section 911.2 of the Government Code, or before final action thereon is taken by the County of Alameda, which is later. See Section 910.6 of the Government Code.

This notice applies only to actions for which a California Government Code claim is required.

Very truly yours,

Kenneth R. Maiolini

cc: Clerk, Board of Supervisors

**RMS**  
**RISK MANAGEMENT SERVICES**

December 10, 1996

In reply, refer to Claim No. 96-611

Mr. Eugene Terrell  
24409 Soto Rd., #7  
Hayward, CA 94544

**RE: Claim of Eugene Terrell v. County of Alameda**

Dear Mr. Terrell:


NOTICE IS HEREBY GIVEN that the claim for damages you presented to the Board of Supervisors of Alameda County on October 23, 1996 was rejected on December 10, 1996.

**WARNING**

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

This notice applies only to actions for which a California Government Code claim is required.

Very truly yours,



Kenneth R. Maiolini  
/sf

cc: Clerk, Board of Supervisors

Form 1





## Office of the City Attorney

November 15, 1996

Mr. Eugene Terrell  
24409 Soto Road Number 7  
Hayward, California 94544

Re: Claim Number 61455

Dear Mr. Terrell:

Thank you for your letter dated November 15, 1996. Unfortunately, this office has nothing to do with the District Attorney's Office, the County Family Court system or the imposition of your restraining order. It would appear that your immediate problem is to (1) stop violating the restraining order and (2) retain an attorney to modify the restraining order or (3) make arrangements with a family member for them to pick up the child so that you can see your child away from your ex-girlfriend and she has the piece of mind to know that the child is not going to be endangered.

The Alameda County Bar Association has an excellent attorney referral system and a free workshop, I believe, on the weekends. I can appreciate that many times, as a black person, we may feel that events happen solely because one is black. However, sometimes that is not the case. This is one such instance.

Very truly yours,

*Jaynelle K. Bell Lowery*  
JAYNELLE K. BELL LOWERY  
Assistant City Attorney

JKBL:  
risk\terrell.ltr



## ETT-R&B Publications

Mr. Eugene Terrell  
24409 Soto Road # 7  
Hayward, CA  
94544-1438

Phone 510-537-2410  
Fax 510-537-2390

February 02, 1996

Ms. Roberta Cooper, Mayor  
City of Hayward  
25151 Clawiter Road  
Hayward, CA

Dear Ms. ,

I have called your office on an innumerable occasions to complain of the injustices imposed upon me by your police department. I even came to your office to get the necessary forms to file suite against the city and the police department for the wrong doings committed against me by your police department. Well, now the situation has surpassed the scale. In fact, they have denied me the right to file a criminal complaint, and have ( so I was told ) a picture on display in their department; of me. While maintaining an order to his officers, Chief Calbone has made a threat to my life by telling them that I should be considered Armed and Extremely Dangerous.

I am with out any doubts in a serious situation that must be dealt with; and done so now. The problems with your police department have existed since 1986. However, they were recently exacerbated by the separation of myself and a former finesse. Where by, with the help of a few of your police officers, her friends, family court mediator and the court, she ( Mrs. Christina M. San Pedro ) obtained a Restraining Order against me. Oddly enough, I was denied a mutual Restraining Order, by the Court. Nonetheless, my Civil and Constitutional Rights were violated. I was placed in Jail twice, and there appears to be no law to stop this madness. Especially since, everyone seems determined to violate the Laws, Racially Motive. So, since I have filed several criminal complaints, to include a citizen complaint against several of HPD's Officers, and while no actions were taken by either yourself nor the HPD Police Chief. I have no choice but to sue. Not only for wrong doings, but also for the damages in the form of moneys lost, business loss, and the Threat to My Life.

Sincerely,

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/SeizedPage 1 of 1On (date) 11/21/95

item(s) listed below were:

- ☒ Received From  
☐ Returned To  
☐ Released To  
☐ Seized

(Name) Eugene Turell(Street Address) 24409 Soto Rd #1(City) Hayward, Ca. 94544Cal Driver # C5915939 DOB: 5/9/51Description of  
(s):

(8) Various Papers regarding allegations  
of civil rights violation.  
No Additional Items

— ATTORNEY  
— General  
— Oakland

R.D. Holt  
(Signature)

Received from

Eugene Turell  
(Signature)

SUPERIOR COURT  
STATE OF CALIFORNIA  
COUNTY OF ALAMEDA

**Family Court Services**

LAWRENCE K. LEHNER, Ph.D.  
DIRECTOR

## ADMINISTRATION BUILDING

□ 1221 CAK STREET # 260  
OAKLAND, CA 94612  
(510) 272-6030  
FAX: (510) 272-6023

November 26, 1996

## COUNTY OFFICE BUILDING

□ 224 W. WINTON AVENUE # 208  
HAYWARD, CA 94544  
(510) 670-6350  
FAX: (510) 670-6457

## HALL OF JUSTICE

□ 5672 STONERIDGE DRIVE  
PLEASANTON, CA 94566  
(510) 551-6892  
FAX: (510) 463-3024

Eugene Terrell  
24409 Soto Road, #7  
Hayward, California 94544-1438

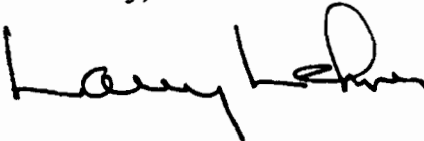
Dear Mr. Terrell:

I received your letter of November 21, 1996 wherein you asked to have your current court order modified to order that Ms. San Pedro not be permitted to remove your daughter, Yahnay, from the State of California. I will be happy to look into what the current order says, if anything, in this respect. However, you need to know that neither I nor anyone else in Family Court Services has the authority to modify any court order. A court order can only be modified by a judge, and a modification cannot be made in current court orders without notice being given to the other party.

If the current court order does not contain any restrictions on Ms. San Pedro's ability to transport the child outside of the State or the country, and you wish to have that restriction included in the order, it may be necessary for you to file a new Order to Show Cause specifically to modify the court order for that purpose.

However, as I said, I will check the current court order and let you know if there is anything in the current order that speaks to this issue. It may be possible to have the matter put on the calendar again without filing a new Order to Show Cause, but in any event, Ms. San Pedro would need to be served notice again that new matter was going to be heard.

Sincerely,



Larry Lehner, Ph.D.  
Director, Family Court Services  
Alameda County Superior Court

cc: Christina San Pedro

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION 1

EUGENE TERRELL,  
Defendant and Appellant,  
v.  
CHRISTINA M. SAN PEDRO,  
Defendant and Respondent.

A077016  
Alameda County Super. Ct. No. 7586990

**FILED**

Court of Appeal - First App. Dist.

**FEB 20 1997**

RON D. BARROW, CLERK

By \_\_\_\_\_  
DEPUTY

BY THE COURT:

The application for waiver of this Court's filing fee is denied. Appellant may have 7 days from the date of this order to tender the \$250.00 filing fee or the appeal will be dismissed. (See Cal. Rules of Court, rule 10(a).

COPY

Date: **FEB 20 1997**

**STRANKMAN, P.J.** P.J.

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION 1

EUGENE TERRELL,  
Defendant and Appellant,  
v.  
CHRISTINA M. SAN PEDRO,  
Defendant and Respondent.

**FILED**  
Court of Appeal, First App. Dist.

MAR - 3 1997

RON D. BARROW, CLERK

By \_\_\_\_\_  
DEPUTY

A077016  
Alameda County Super. Ct. No. 7586990

BY THE COURT:

The appellant having failed to pay the statutory filing fee in compliance with rule 1(c), California Rules of Court, after notice given pursuant to rule 10(a), the appeal filed on January 06, 1997 is dismissed.

CONF

Date: MAR 03 1997

STRANKMAN, P.J. P.J.

orda



## CITY of OAKLAND



ONE CITY HALL PLAZA • SIXTH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
Jayne W. Williams  
City Attorney

Eugene Terrell  
24409 Soto Rd.  
Hayward, CA 94544

**April 21, 1998**

(510) 238-3601  
FAX (510) 238-6500  
E-MAIL: (510) 829-6454

**Re: Notice of Denial of Claim**  
**Claimant : Eugene Terrell**  
**Date of Loss: March 1, 1996**  
**Our File No.: C970530-JB**

Dear Mr. Terrell:

NOTICE IS HEREBY GIVEN that the claim you filed on June 27, 1997 has revealed no indication of liability on the part of the City of Oakland. Accordingly, your claim is denied.

## WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6. This time limitation applies only to causes of action arising under California law for which a claim is mandated by the California Government Tort Claims Act, Government Code Sections 900 et. seq. Other causes of action, including those arising under federal law, may have shorter time limitations for filing.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Very truly yours,

JAYNE W. WILLIAMS  
City Attorney

**By :**

**James A. Burchard**  
**Investigator**

[illegible]

### PROOF OF SERVICE

I am a citizen of the United States, over 18 years of age, a resident of Alameda County, and not a party to the above action. My business address is One City Hall Plaza - 6th Floor, Oakland, California 94612. I served a copy of the above notice by placing it in an envelope addressed as shown above, which envelope was then sealed and postage fully prepaid thereon and was on this day deposited in the United States mail at City Hall, Oakland, California.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed at Oakland, California, on April 21, 1998

Denise Hawkins  
Signature

**Signature**



## U.S. Department of Justice

## Federal Bureau of Investigation

In Reply, Please Refer to  
File No.

450 Golden Gate Avenue  
San Francisco, CA 94102  
December 19, 1995

Eugene Terrell  
24409 Soto Road, #7  
Hayward, CA 94544

Mr. Terrell:

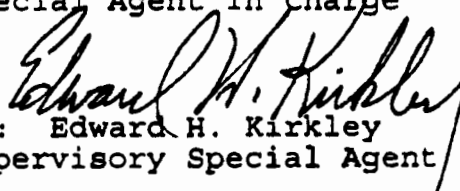
This letter is to acknowledge receipt of your complaints made on 11/15/95, 11/21/95, and 12/12/95, concerning a possible violation of your civil rights.

The documentation you supplied to our Oakland office was reviewed. Based on the facts set forth in your documents, there does not appear to be a violation of the Civil Rights Act; therefore, no investigation will be conducted.

As you requested in your 12/15/95 telephone messages, your documents are enclosed.

Sincerely,

JIM R. FREEMAN  
Special Agent In Charge

  
By: Edward H. Kirkley  
Supervisory Special Agent

## MEMORANDUM

December 5, 1995

TO: File/Trial Attorney

FROM: Foxall

RE: People v. Eugene Terrell, HMC 310198

Mr. Terrell was in to interview today; brought some papers that I have not had the opportunity to review. Mr. Terrell continues to be abrupt, even rude, with staff, but was pretty reasonable with me.

In essence, Mr. Terrell's claim is twofold. First, he is charged with violating a restraining order he says was obtained by perjured testimony at the hearing in Superior Court. The order requiring him to leave the premises rested on the plaintiff's contention that she had no other place to stay, but she also states in a deposition regarding child custody or some collateral matter that she does have a suitable place to live in some apartment complex in Oakland. Additionally, she claims certain events occurred that justify the restraining order, but D denies those events ever occurred. (Whether she gave contrary testimony in a deposition or elsewhere is not known to me.)

As a second claim, Mr. Terrell claims that, even if there was a valid restraining order, he did not violate it willfully because he believed that the protected party was no longer living at the address, and he went there on good authority that this was so. Further, D contends that the order required him to move from the address, and not go near the residence of the protected, but did not specify the address of the residence; thus, when he believed that was no longer her address, he could also reasonably believe he could return to that address. I believe this is well supported by the language of the restraining order, and may present D's best defense. Indeed, the family mediator Dennis Hamlette has told our investigator that he told D that he thought the protected no longer resided at the location of the A/O.

Unfortunately, while D may have a good defense (or even two good and consistent defenses), he may be his own worst enemy. He is pushy and self-centered, and could easily cause a jury to want to convict him for anything. His conversation with Pinkney seems to have settled him down and given him both a realistic outlook and faith that we will do our part. He wants a lot of hand-holding, although he probably does not see it as such. And he is caught up in irrelevancies and side issues (like wanting to "press charges" against the complaining witness/protected for perjury). I think I have convinced him that we will do what's right in this context, and lowered his expectations with regard to his collateral issues with the CW and the police. Still, I don't expect it to stick.

☒ COMPLAINT OR ☐ COMMUNICATION

YOUR NAME: EUGENE TERRELL DATE FILED: DECEMBER 5, 1995

HOME ADDRESS: 24409 SOTO ROAD #7 (Restraining Order - vacant Apt)

HOME PHONE: 510-569-1435 / 510-537-2410 BUSINESS PHONE: \_\_\_\_\_

SEX: MALE AGE: 44 DATE OF BIRTH: MAY 9, 1951

WHERE DID THIS OCCUR? AT 24409 SOTO RD. #7, HAYWARD CA 94544

DATE: OCT 27, 1995 TIME: Approx 1930 hours

EMPLOYEES INVOLVED: HPD Dispatcher Ms Diana Davis, HPD Officer Nishita, HPD Officer Sgt. Camara, HPD Officer Edwards, and the HPD Officer who drove the escort vehicle for the Prisoner transport vehicle on Oct, 28, 1995 (Officer Espinoza & Sgt. Wright)

DESCRIPTION OF INCIDENT: 2 COUNT Felony violation of Penal Code 182.3, violation of Penal Code(s) 236 & 118.1, to include 119pc.  
(violated Penal Code(s) 182.2, 236, 118.1, and 136.1)

PLEASE PROVIDE THE NAMES, ADDRESSES, AND PHONE NUMBERS OF ANY PERSONS WHO MAY HAVE KNOWLEDGE OF THIS INCIDENT:

NAME: \_\_\_\_\_

ADDRESS & PH #: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS & PH #: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS & PH #: \_\_\_\_\_

### STATEMENT

(START THE NARRATIVE ON THIS PAGE AND CONTINUE ON THE BACK.)

I WAS GRANTED A Civil Stand by on Oct 27, 1995 by HPD Dispatcher Ms Diana Davis (After two attempts - Being granted once & denied once). I followed her instructions because she had informed her, that I had this 'nut' telling everyone that I was going to kill her - Nonetheless, two units arrived, but 15 min apart - Officer Nishita was first on the scene - He maintained a conversation; he spoke of his job with Oakland Housing Authority Police, and I discussed working with Western Security Bureau as a Security Officer.



**How can a personnel complaint be made?**

A complaint may be made by telephone, by mail, or in person. The complaint may be made at the police department, or another mutually convenient location. The department is primarily interested in learning of your concerns about police misconduct or a need for improvement in our delivery of services.

**When can a complaint be made?**

A complaint may be made 24 hours a day. During normal business hours the complaint may be submitted to the Internal Affairs Unit at Hayward Police Department by calling 293-7059. After normal business hours, a personnel complaint may be registered with any supervisor or the on-duty Watch Commander, or by calling 293-7051.

**What happens after I file a complaint?**

The complaint is received and documented. The formal complaint will be investigated by a supervisor and reviewed by the Chief of Police and his staff. The Chief or Division Commander will make the final determination on all formal complaints. The complainant will be notified in writing concerning the disposition of the complaint.

NOTE: I HAVE NOW LOST APPROXIMATELY \$3,000 IN WEAPONS, DUE TO ILLEGAL PROCEDURES EMPLOYED BY HAYWARD POLICE OFFICERS.

WE BOTH WORKED THE ACONI HOUSING COMPLEX IN OAKLAND -  
 NONETHELESS, I TOLD HIM I NEEDED MY SIG SAUER 9mm, BULLET RESISTANCE  
 IT, WEB GEAR, AND CLOTHING FOR JOB INTERVIEW. HE SAID: I HAVE TO CALL  
 FOR BACK-UP IF YOU ARE PICKING UP A GUN - I SAID: "I UNDERSTAND." I ALSO  
 TOLD HIM ABOUT TWO OTHER GUNS - HE ASK: "WHY NOT GET ALL 3?" I  
 SAID: "I ONLY NEED ONE FOR THE JOB". NONETHELESS, OFFICER EDWARDS  
 ARRIVED ON SITE, AND DETAINED ME UNTIL OFFICER NISHITA RETURNED  
 FROM MY APARTMENT WITH PERMISSION (FOR ME TO GET MY ITEMS) AND  
 A COPY OF MY RESTRAINING ORDER - AS INSTRUCTED BY OFFICER EDWARDS -  
 OFFICER EDWARDS, PRIOR TO THE RETURN OF OFFICER NISHITA, HAD INFORMED  
 ME THAT I WAS IN VIOLATION OF MY RESTRAINING ORDER - AND AFTER A VERY  
 BRIEF DISCUSSION WITH OFFICER NISHITA, I WAS ESCORTED INTO MY APARTMENT.  
 OFFICER EDWARDS ANNOUNCED OVER THE RADIO "5151" - THEN TOLD ME I WAS  
 UNDER ARREST FOR VIOLATING MY RESTRAINING ORDER - NOW ON OCT 28, 95  
 ANOTHER HPD OFFICER WHO DROVE ESCORT VEHICLE, SQUEEZE MY LEFT TESTICLE

SIGNED BY: \_\_\_\_\_

REPORT RECEIVED BY: \_\_\_\_\_

DATE/TIME: \_\_\_\_\_

1) SEE ACCOMPANYING CRIMINAL REPORTS

## PERSONNEL COMPLAINTS

All police departments in the State of California are required by law to have a process by which a citizen may make a complaint against police personnel. The information in this pamphlet will assist anyone who has occasion to make a complaint against any Hayward Police personnel. Here are some of the questions we frequently encounter regarding our complaint procedures and processes.

### What is a citizen's complaint?

There are two types of personnel complaints. The first is an informal complaint. This complaint is normally handled by the employee's supervisor for minor transgressions and is brought to the employee's attention by the supervisor.

The second type of complaint is the formal complaint. This is for more serious types of transgressions. The formal complaint is lodged with the employee's supervisor, Watch Commander, or Internal Affairs.

### Who can make a complaint?

A personnel complaint may be made by anyone. However, if the complainant is under the age of 18, we require that the complainant be accompanied by a parent or an adult.

Hayward Police Department:

ATTN: Sgt. K. Gross AND

'Chief of Police'

Call here

(3)

DATE: October 12, 1995

APPROXIMATE TIME: 15:30 pm hours

Employee involved: HPD Officer(s) Costakis #391 and a unknown male Officer.  
On the above date and time, I, Eugene Terrell, did call #911, HPD Emergency, after Mrs Christina M. San Pedro attempted to <sup>temporarily</sup> ~~forcible~~ take my child (Yahmay K. Terrell) away from me. I had refused <sup>custody</sup> of my child to her mother, because two days before she (Mrs Christina M. San Pedro) <sup>refused</sup> to except <sup>to</sup> medication needed by my child. Furthermore, HPD Officer Costakis, #391, and did in fact, order me to surrender my child to Mrs Christina M. San Pedro, even after I made her aware of my beliefs that Mrs Christina M. San Pedro has psychological problem, and was telling everyone that I was going to kill her. HPD Officer Costakis said I was lying about my concerns regarding my child's state of health. But, Mrs Christina M. San Pedro has been cited once for leaving two month old baby (my child) in an unattended vehicle in the parking lot of Rice Club, in Hayward, and herself, has told me she has attempted suicide twice. Moreover, it is my belief, that HPD Officer Costakis, #391, ~~is~~ is the #1 of the cause for all of my problems concerning this complaint, to include Mrs Christina M. San Pedro filing a restraining order and lying on several police reports, ~~depositions~~, and making false statements to police to force it! Note: I made a (verbal) report to the HPD Chief's secretary about this incident.



## Alameda County Sheriff's Department

LAKESIDE PLAZA, 1401 LAKESIDE DRIVE, 12th FLOOR, OAKLAND, CA 94612-4305

CHARLES C. PLUMMER, SHERIFF

MARSHAL - CORONER - PUBLIC ADMINISTRATOR  
DIRECTOR OF EMERGENCY SERVICES

(510) 272-6921

August 18, 1997

Eugene Terrell  
24408 Soto Road #7  
Hayward, CA 94544

Dear Mr. Terrell:

This is in response to your letter to Sheriff Plummer dated August 6, 1997. There will be no other response.

You have asked for the names and badge numbers of the deputy sheriffs who had duty during the court trials in what appear to be four different Alameda County superior Court actions. You have not provided the dates of the trials and the departments in which they were held. Basically you have asked the Sheriff's Department to undertake a research project to determine that information.

The Public Records Act provides that a public agency must provide written records concerning public business. It further requires that those records be reasonably identified in the request.

You are not asking for reasonably identified records. You are asking for information to be culled from an unspecified group of records. There is no duty to undertake such a form of research or to provide such information.

The court's records are available for public inspection at the various court houses. The court files in each case are also available to you there. You will be permitted to examine those records in accordance with the internal rules imposed by the courts. Those records should contain some of the information you desire.

Please take notice that there is no record which is guaranteed to show the presence of every deputy sheriff who attended any of these trials. It is perfectly acceptable and frequently happens that the assigned deputy will be replaced by another, for official or for personal reasons, for a short period of time or perhaps a substantial amount of time. This may or may not be shown in the court's records.



Page Two  
August 18, 1997

No documents or other information will be provided in response to your letter of August 6, 1997. A copy of your letter will be forwarded to the County's risk management section to determine whether it meets the requirements for a Government Code claim.

Charles C. Plummer  
Sheriff

  
Timothy P. Ostlund, Commander  
County Wide Services Division

TPO:gp



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/SeizedPage 1 of 1On (date) 11/21/95

Item(s) listed below were:

- ☒ Received From  
☐ Returned To  
☐ Released To  
☐ Seized

(Name) August Turell(Street Address) 24409 Loto Rd #7(City) Hayward, Ca. 94544Cal Number # C5915939 DOB: 5/9/51Description of  
item(s):

(8) Various Papers regarding allegations  
of civil rights violation.  
No Additional Items

— ATTORNEY  
— GENERAL  
— OAKLAND

P.D. Holt  
(Signature)

Received from

August Turell  
(Signature)

# RMS

## RISK MANAGEMENT SERVICES

November 11, 1996

Mr. Eugene Terrell  
24409 Soto Rd., #7  
Hayward, CA 94544

RE: Eugene Terrell v. County of Alameda  
Alameda County Claim No. 96-611

Dear Mr. Terrell:

Our firm is the authorized claims administrator for the County of Alameda. In this capacity, we are in receipt of your claim.

We are currently investigating this matter and will advise you of our finding as soon as it is available. In the meantime, do not hesitate to call our office should you have any questions.

Sincerely,

*Cecilia A. Quiambao*

Cecilia A. Quiambao



**DEPARTMENT OF HEALTH & HUMAN SERVICES**

Voice - (415) 437-8310, (800) 368-1019  
TDD - (415) 437-8311, (800) 537-7697  
(FAX) - (415) 437-8329  
<http://www.hhs.gov/ocr/>

**OFFICE OF THE SECRETARY**

Office for Civil Rights, Region IX  
50 United Nations Plaza, Room 322  
San Francisco, CA 94102

April 12, 2005

Eugene Terrell  
3312 64<sup>th</sup> Avenue Place  
Oakland, California 94605

Our Transaction Number: 05-33164

Dear Mr. Terrell:

Thank you for your complaint received on February 3, 2005, by the Department of Health and Human Services (HHS), Office for Civil Rights (OCR). You state that your food stamps benefits were terminated on November 3, 2004. You also state in your correspondence that Alameda County Social Services Agency (ACSSA) denied you social services, general welfare, and family maintenance.

OCR is responsible for enforcing a Federal law that protects the privacy of health information and a variety of Federal civil rights laws that prohibit discrimination. Specifically, OCR has jurisdiction over programs and entities that receive Federal financial assistance from HHS in cases involving discrimination based on race, color, national origin, age, disability, and, under certain circumstances, sex and religion. Additionally, OCR has jurisdiction over health and human service programs operated by HHS or by state and local public entities in cases involving disability-based discrimination. OCR also has jurisdiction over health plans, health care clearinghouses, and certain health care providers with respect to enforcement of the Federal Standards for Privacy of Individually Identifiable Health Information (the Privacy Rule, 45 C.F.R. Parts 160 and 164, Subparts A and E).

Our office does not have jurisdiction over the food stamp program because they do not receive financial assistance from HHS. You may wish to contact the Department of Agriculture:

Office of Civil Rights  
Food and Consumer Service  
Department of Agriculture  
550 Kearny, Room 400  
San Francisco, CA 94108  
(866)632-9992 (Toll Free Number)

In order to determine whether we have legal authority to investigate your complaint against ACSSA we need more information.

Please provide the following information:

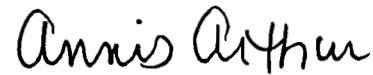
- . A description of the social services, general welfare, and family maintenance ACSSA allegedly denied you
- . The reason you believe ACSSA took the actions because of your race
- . The most recent date of each of the alleged discriminatory action(s)

Also, please read the enclosed "Notice to Complainants and Other Individuals Asked to Supply Information to the Office for Civil Rights," sign the consent and the release forms, and return each signed form to OCR. On each form, please ensure that a box is "checked." These forms authorize OCR to release your name to the recipient and to obtain information about your individual situation. We are unable to investigate your complaint without your signature on both of the consent and release forms. We will close your complaint if these forms are not signed.

You may submit documentation to support your allegations. If any of the issues in this complaint have been resolved, please let us know. In the meantime, you may wish to review the enclosed document, Information About OCR's Complaint Resolution Procedures.

**We would appreciate a response by May 2, 2005, which is approximately 15 days from the date we expect you to receive this letter. If we do not receive a response by that date, we will close this case.**

Sincerely,



Annis Arthur  
Equal Opportunity Specialist

Enclosures